

RESPONSE UNDER 37 C.F.R. § 1.116
U. S. Application No. 10/075,395
Attorney Docket No. Q68512

REMARKS

Claims 1-17 are all the claims pending in the application. Claims 1-3, 5, 7-9 and 11-17 stand rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Lohr et al. (U.S. Patent Publication No. 2002/0112063, hereinafter “Lohr”), and claims 4, 6, and 10 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Lohr in view of Smith et al. (U.S. Patent No. 6,532,543, hereinafter “Smith”). The outstanding rejections are traversed, as discussed below.

In the previous Amendment filed February 6, 2006, Applicant submitted a Declaration Under 37 C.F.R. § 1.131 evidencing conception of the present invention prior to the February 14, 2001 effective date of Lohr, coupled with diligence from prior to the effective date of Lohr to the filing of the foreign priority document of the present Application (JP 2001-039884). Further, Applicant submitted a verified translation of the foreign priority document in order to perfect the foreign priority date.

However, in the Final Office Action, the Examiner indicates that the rejection based on Lohr is maintained because a translation of the foreign priority document has not been made of record. Applicant believes that both the English translation and the signed statement attesting to the veracity of the translation were received by the PTO with the filing of the February 6, 2006 Amendment and are included in the PAIR database.

Further, Applicant submits an Interview Summary concurrent with the filing of the present Response, in which the receipt of the verified translation and perfection of the priority claim were discussed with the Examiner. In accordance with the Examiner’s request, Applicant

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submits herewith the present Response requesting reconsideration and withdrawal of the outstanding grounds of rejection at least because priority is believed to be perfected and the evidence submitted with the Declaration Under 37 C.F.R. § 1.131 is sufficient to remove Lohr as prior art.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE

23373

CUSTOMER NUMBER

Date: July 6, 2006

PATENT APPLICATION
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Docket No: Q68512

Naoto MAEDA, et al.

Appln. No.: 10/075,395

Group Art Unit: 2157

Confirmation No.: 7192

Examiner: Barbara N. BURGESS

Filed: February 15, 2002

For: MOBILE AGENT TRANSFER SYSTEM, METHOD AND PROGRAM FOR
COMMUNICATING DEVICES

STATEMENT OF SUBSTANCE OF INTERVIEW

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Please review and enter the following remarks summarizing the telephonic interview
conducted on July 5, 2006:

REMARKS

During the interview, Attorney for Applicant contacted the Examiner regarding the Final Office Action of May 19, 2006 and the Examiner's assertion that the foreign priority papers have not been made of record on page 15 of the Office Action. The Examiner indicated that the verified English translation of the foreign priority document, JP 2001-039884, appeared to be received by the Patent Office with the filing of the previous Amendment of February 6, 2006.

Accordingly, the Examiner requested that Applicant submit a formal response to the Final Office Action stating that the verified translation was submitted with the previous Amendment, which is filed concurrently with the present Statement of Substance of Interview.

STATEMENT OF SUBSTANCE OF INTERVIEW

Application Serial No. 10/075,375

Attorney Docket No. Q68512

It is respectfully submitted that the instant STATEMENT OF SUBSTANCE OF INTERVIEW complies with the requirements of 37 C.F.R. §§1.2 and 1.133 and MPEP §713.04.

It is believed that no petition or fee is required. However, if the USPTO deems otherwise, Applicant hereby petitions for any extension of time which may be required to maintain the pendency of this case, and any required fee, except for the Issue Fee, for such extension is to be charged to Deposit Account No. 19-4880.

Respectfully submitted,



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